

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: SERZONE PRODUCTS
LIABILITY LITIGATION

ENTERED

JAN 30 2004

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

MDL NO. 1477

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER #11

Extension of Class Certification Deadlines

For reasons appearing to the court, the following dates are set as class certification deadlines herein and those dates previously established in earlier pretrial orders are hereby vacated.

1. **Depositions of Putative Class Representatives.** Depositions of all putative class representatives shall be completed by **April 5, 2004**.

2. **Disclosure/Discovery of Plaintiffs' Experts.** Plaintiffs shall furnish to Defendants the identity and reports of all experts, if any, to be used in support of any Motion to Certify Class Action in accordance with *Fed. R. Civ. P.* 26(a)(2)(B) along with the dates each such expert is available for deposition by **April 5, 2004**. Defendants shall complete the depositions of Plaintiffs' experts by **May 17, 2004**.

3. **Disclosure/Discovery of Defendants' Experts.** Defendants shall furnish to Plaintiffs the identity and reports of all experts, if any, to be used in conjunction with class certification issues in accordance with *Fed. R. Civ. P.* 26(a)(2)(B) along with the dates each such expert is available for

deposition by **May 28, 2004**. Plaintiffs shall complete the depositions of Defendants' experts by **July 15, 2004**.

4. **Class Certification Motions.** Plaintiffs' Lead Counsel shall file any Motion to Certify Class Action together with supporting Memoranda, exhibits, and affidavits by **July 30, 2004**. The Memorandum shall be limited to fifty (50) pages exclusive of attachments. Defendants shall file any Memorandum in Opposition to Plaintiffs' Motion for Class Certification, together with exhibits, affidavits, and depositions by **September 16, 2004**. The Memorandum shall be limited to fifty (50) pages exclusive of attachments. Plaintiffs' Lead Counsel shall file any Memorandum in Reply to Defendants' opposition for class certification by **September 30, 2004**. The Reply shall be limited to twenty (20) pages exclusive of attachments.

5. **Hearing.** The hearing on any Motion to Certify Class Action shall be on **October 20, 2004, at 10:00 a.m.**

6. **Status Conferences.** Monthly status conferences will be held at **10:00 a.m.** on each of the following dates: **February 18, March 17, April 21, May 19, June 23, July 21, August 18 and September 22, 2004**. These dates will not be changed except by unanimous consent of all parties and by leave of court. In the event that this court determines that a scheduled status conference is not needed, the court will cancel that conference and notify Liaison Counsel of the cancellation. Additional conferences may be ordered from time to time by the court. Any attorney representing any party, or any party unrepresented by counsel, may attend status conferences, but only Liaison and Lead Counsel, or such other counsel as the court may permit, may actively participate in the status conferences. The Executive Committee may actively participate in the status conferences to the extent that the conference deals with issues under the control and management

of the Executive Committee. The status conferences may be held before the Honorable Joseph R. Goodwin, United States District Judge, or the Honorable Mary E. Stanley, United States Magistrate Judge, or both.

The court **DIRECTS** the Clerk to send a copy of this Order to Defendants' Liaison Counsel and Plaintiffs' Liaison Counsel.

ENTER: January 30, 2004



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE